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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,832	07/10/2003	Yoshifumi Tanimoto	030733	8885
38834 7590 11/20/2007 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER FRINK, JOHN MOORE	
			ART UNIT 2142	PAPER NUMBER
			MAIL DATE 11/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/615,832

Applicant(s)

TANIMOTO, YOSHIFUMI

Examiner

John M. Frink

Art Unit

2142

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6 and 11-15.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Claim 1, as stated in the proposed Amendment After Final, is not allowable for the reasons claim 8 was not allowable as stated in the previously mailed final action. Specifically, claim 8 was rejected rejected 35 U.S.C. 103(a) as being unpatentable over Chang in view of Wakasugi et al. (US 6,823,367 B1), hereafter Wakasugi.

Regarding claim 1, Chang et al. (US 6,292,825 B1), hereafter Chang, discloses a mailbox which stores received electronic mail by corresponding each of the electronic mail and an electronic mail address of a destination; means for transmitting electronic mail of a new mail notification to the electronic mail address of the destination of a received electronic mail by a push method protocol (Abstract, col. 4 lines 32 - 43, Fig. 2); and

means for distributing the electronic mail by a pull method protocol in accordance with a distribution request from the electronic mail address of the destination of the electronic mail stored in the mailbox (Figs. 2, 4 and 5),

wherein the means for transmitting determines whether or not to transmit the electronic mail of the new notification by the push method protocol in accordance with a type of received electronic mail (col. 4 lines 32 - 43, col. 5 lines 22 - 26, col. 6 lines 44 - 51).

Chang additionally shows allowing users to set a priority for which types of email notifications should be sent (col. 4 lines 30-65, col. 5 lines 20-27).

Chang does not disclose not transmitting the electronic mail of the new mail notification by the push method protocol when the received electronic mail is a reception confirmation mail of electronic mail transmitted previously.

Wakasugi discloses the receiver of an email sending delivery confirmation messages to the sender of said email (col. 3 lines 30-35, col. 10 lines 4 - 18), thus showing an email's sender knowing when sent message have been received.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Chang with that of Wakasugi so that the status important messages could be verified though the use of email confirmation messages, and also to avoid innudating a user with undesired email, not verifying the status of low priority messages.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Chang with that of Wakasugi in order to ensure only important and desired messages are received (Chang, col. 4 lines 32 - 43, col. 5 lines 22 - 26, col. 6 lines 44 - 51).

Applicant argues that Chang in view of Wakasugi do not address 'not sending a new mail notification when the received e-mail is a reception confirmation mail of an e-mail transmitted previously'. However, as stated above, Chang in view of Wakasugi do disclose this through teaching not sending, though the push method, low priority confirmation messages, where a user can specify what is and is not low priority. The ability to specificy not pushing low priority messages, as shown by Chang in view of Wakasugi, is to avoid flooding the user with undesired/low priority mail, said undesired/low prioity claimed by Applicant as 'reception confirmation mail of a e-mail transmitted previously.' Applicant's argument is not not persuasive.